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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 DUSTIN MICHELLE,

11 Plaintiff,

12 v.

13 SOUTH CORRECTIONAL  
FACILITY, et al.,

14 Defendants.  
15

CASE NO. 21-0140JLR

ORDER GRANTING  
PLAINTIFF'S MOTION TO  
AMEND COMPLAINT

16 Before the court is Plaintiff Dustin Michelle's motion to amend the case caption  
17 and for leave to file a first amended complaint. (Mot. (Dkt. # 17).) Mr. Michelle's  
18 claims arise out of his confinement and alleged deprivation of adequate medical care at  
19 the South Correctional Entity Jail ("SCORE"). (*See* Compl. (Dkt. # 1) ¶¶ 1-6.) Mr.  
20 Michelle seeks to amend his complaint to add King County as a Defendant, include  
21 factual allegations to support his claim against King County, and correct typographical  
22 //

1 errors. (Mot. at 2; *see* Bingham Decl. (Dkt. # 18) ¶ 2, Ex. 1 (“Prop. FAC”).) Mr.  
2 Michelle’s motion is unopposed. (*See generally* Dkt.)

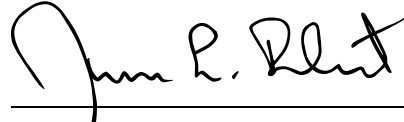
3 When the court’s deadline for filing amended pleadings has not passed, the proper  
4 standard for considering a motion to amend a complaint is provided by Federal Rule of  
5 Civil Procedure 15(a). *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 607-08  
6 (9th Cir. 1992)). Rule 15(a)(2) provides that “[t]he court should freely give leave [to  
7 amend] when justice so requires.” Fed. R. Civ. P. 15(a)(2). Five factors are used to  
8 assess the propriety of a motion for leave to amend: (1) bad faith, (2) undue delay, (3)  
9 prejudice to the opposing party, (4) futility of amendment, and (5) whether the party has  
10 previously amended its pleading. *Allen v. City of Beverly Hills*, 911 F.2d 367, 373 (9th  
11 Cir. 1990) (citing *Ascon Props., Inc. v. Mobil Oil Co.*, 866 F.2d 1149, 1160 (9th Cir.  
12 1989)).

13 The court concludes that all factors weigh in favor of allowing amendment. This  
14 case is still in its infancy. The deadline for amending pleadings is June 8, 2022, and the  
15 discovery cutoff deadline is August 8, 2022. (Sched. Order (Dkt. # 16) at 1.) The  
16 parties, including King County, will have sufficient time to complete discovery without  
17 any adverse impacts to either them or the court’s schedule. Additionally, Mr. Michelle  
18 has not previously amended his complaint (*see generally* Dkt.), and there is no indication  
19 of bad faith or futility in Mr. Michelle’s proposal to add King County as a Defendant at  
20 this early stage in the litigation.

21 Accordingly, the court GRANTS Mr. Michelle’s unopposed motion to amend the  
22 case caption and file an amended complaint that includes King County as a Defendant

1 (Dkt. # 17). The court further ORDERS Mr. Michelle to file his first amended complaint  
2 (see Dkt. # 18-1) on the court's electronic docket within seven (7) days of the filing date  
3 of this order.

4 Dated this 17th day of May, 2021.

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7 JAMES L. ROBART  
8 United States District Judge  
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